

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
OFFICE FOR CHILDREN AND YOUTH**

Cover Memorandum accompanying the June 30, 2006 filing of a Notice of Proposed Rule Adoption by the Office for Children and Youth (OCY) proposing to issue its OCY Child Care Policy Manual for 2006-2007.

Listed below are the new or amended rules proposed for 2006-2007 that account for the substantive differences between last year's OCY Child Care Policy Manual and the proposed OCY Child Care Policy Manual. For comparison, the current rule is shown following a proposed amendment to the rule.

Page 1 Subsection 100.03 (3) Child Care Responsibilities and the Right to Parental Choice

1. Proposed Rule: changed the word "providers" to "facilities."

The OCY Designated Agents must assist parent(s) in assessing their child care needs and, upon request, provide a list of licensed facilities for parent(s) who do not have a ready choice. The OCY Designated Agents must not influence parent(s) to choose a particular child care provider.

Current Rule: Page 1, Section I, part C.

The OCY Designated Agents must assist parents in assessing their child care needs and, upon request, provide a list of licensed providers for parents who do not have a ready choice. The OCY Designated Agents must not influence a parent to choose a particular provider.

Page 4 Subsection 101.03 (1) Roll-over

2. Proposed Rule: Add to the end of the first paragraph.

If a parent(s) will be using the same provider as the previous fiscal year, the new fiscal year certificate can be issued using the signature on file. This applies to the certificate, the Standard Assurances, the Conditions of Agreement, the Fraud Statement and the Parent Agreement form, the W-9 and the Basic Health and Safety form, providing these forms do not expire on a certain date.

Current Rule: Page 4, Section II, part C.

The roll-over process should be completed in a timely manner in order to ensure that there are no interruptions in child care services. The OCY Designated Agents will mail a notice to all current parent(s) and providers that child care certificates will end September 30. An application packet for child care services beginning October 1 will be included with a notification to the parent(s). Parent(s) should be rolled-over based upon the established priorities. At roll-over, for active TCC certificates, the parent's eligibility will continue until the end of the TCC 12 month period, or until a termination notice is received from the case manager, whichever comes first. At roll-over, a new TCC certificate for the new program year will be issued and mailed to the parent and provider for signatures for child care to continue into the new program year, with the end date corresponding to the end date of the parent's 12 month TCC period. Paycheck stubs reflecting a 30-day period prior to the application date are acceptable to document employment. The OCY Designated Agents should establish a reasonable deadline (not less than 15 working days) for the return of all applications. (See Appendix A).

Page 4 Subsection 101.03 (3) Roll-over

3. Proposed Rule:

Incomplete Applications - For parent(s) who do not return a packet or return an incomplete packet, (incomplete documentation, unsigned, not enough hours on the check stubs, etc.) by the established deadline, the Designated Agent should mail the parent(s) a certified letter, return receipt requested. Ten (10) working days should be allowed for the client to submit the information. If the parent(s) fails to submit the information within the ten (10) working days, the application may be closed. If the parent(s) fails to submit a long-form birth certificate or social security card, but a copy is already in the child's file, that copy satisfies the requirement to submit those two items.

Current Rule: Page 4, Section II, part C.

Incomplete Applications - For parents who return an incomplete application packet (incomplete documentation, unsigned, not enough hours on the check stubs, etc.) by the established deadline, the parent is contacted by a letter, requesting the missing information, allowing ten (10) working days for the client to submit the information. If the parent fails to submit the information within the ten (10) working days, the application may be closed. If the parent fails to submit a long-form birth certificate or social security card, but a copy is already in the child's file, that copy satisfies the requirement to submit those two items.

Page 5 Subsection 101.04 (1) Waiting List (first paragraph)

4. Proposed Rule:

Based upon CCDF federal requirements, the OCY Designated Agents should maintain a current waiting list of all families requesting child care services regardless of the availability of funds. The OCY Designated Agents should not limit the waiting list. Families in Priority 1 or 2 should receive services automatically and not be placed on the waiting list. A parent(s) in the 4th, 5th, or 6th Priority Population previously receiving child care services who cannot be rolled-over due to lack of funding should be placed on the waiting list by priority. Parent(s) should not be placed on a waiting list when funds are available.

Current Rule: Page 4, Section II, part D.

Based upon CCDF federal requirements, the OCY Designated Agents should maintain a current waiting list of all families requesting child care services regardless of the availability of funds. The OCY Designated Agents should not limit the waiting list. Any new, Priority 1 or 2 families should receive services automatically providing funds are available and not placed on the waiting list. All parents in the 4th, 5th, or 6th Priority Population previously receiving child care services who cannot be rolled-over due to lack of funding should be placed on the waiting list by priority.

Page 6 Subsection 102.01 (2) Eligible Providers

5. Proposed Rule: Add two sentences at end of last paragraph.

A Child Care provider may not be reimbursed if they reside in the same household as the child(ren). Proof of separate residence may be required.

Current Rule: Page 6, Section III, part A.

Family Day Care Homes and Relative/Non-Relative Providers - In order to receive reimbursement, all unregulated providers must keep a record of immunizations for all children in their care and a copy of the Basic Health, Safety and Nutrition Assurances. A signed copy of the *Basic Health, Safety and Nutrition Assurances* certifying that they will follow the guidelines should also be filed with the OCY Designated Agent. Individual, unregulated providers must be at least eighteen (18) years of age and are prohibited by law from keeping more than five (5) children who are not related to the provider within the third degree computed according to civil law.

Page 7 Subsection 102.02 (3) Application Procedures

6. Proposed Rule:

Parent(s) at Risk of Going on TANF: Very Low-income Parent(s) and Low-income Parent(s) - Applications for assistance may be obtained by calling the OCY Designated Agents. Applications will be mailed within 10 calendar days in response to requests. Toll-free numbers are available to parent(s) to use in requesting applications. Parent(s) can obtain these toll-free numbers from child care facilities and from MDHS/OCY Resource and Referral. A Documentation Checklist will be issued by the OCY Designated Agent with each child care application. The Parent's Statement of Agreement will be issued with the certificate.

Current Rule: Page 7, Section III, part B, paragraph 3.

Parents at Risk of Going on TANF: Very Low-income Parents and Low-income Parents- Applications for assistance may be obtained by calling the OCY Designated Agents. Applications will be mailed promptly in response to requests. Toll-free numbers are available to parents to use in requesting applications. Parent(s) can obtain these toll-free numbers from daycare centers and from MDHS Resource and Referral. A Documentation Checklist and Parent's Statement of Agreement will be issued by the OCY Designated Agent with each child care application. A Documentation Checklist will be provided by each OCY Designated Agent.

Page 7 Subsection 102.02 (4) Application Procedures

7. Proposed Rule:

Foster Care, Protective Services and Prevention Services – Children that are receiving services by the MDHS-Division of Family and Children's Services. A referral will be made by the Division of Family and Children's Services to the OCY Designated Agent, using form MDHS-OCY-43-11 or 43-11A (see Appendix D).

Foster Care – children that are in custody of DHS by court order and placed in a licensed foster family home or placed with an approved relative / kinship caretaker. In determining eligibility, a Foster Child is considered a family of one; however, the foster parent(s) are required to meet the eligibility requirements unless exempted by the Division of Family and Children's Services due to extenuating circumstances.

Protective Services – children that are court ordered to receive Protective Services from DHS-DFCS. These children are living in the home of a parent or relative/kinship caretaker. To be eligible for child care assistance, the caretaker must be working a minimum of 25 hours or in an education training program and working the minimum required hours. The child should be served without regard to income. The Protective Services parent, custodian or guardian must meet the work requirement unless exempted by the Division of Family and Children's Services due to extenuating circumstances.

Prevention Services – children residing with a family that is receiving Prevention Services from the DHS-DFCS. These children are living in the home of a parent or relative/kinship caretaker. The caretaker must be working a minimum of 25 hours or in an education training program and working the minimum required hours. The child should be served without regard to income.

When a child's case is closed by the Division of Family and Children's Services, that agency will send a Notification of Termination of Child Care Services (See Appendix D) for children that had been receiving services through Foster Care, Protective Services or Prevention Services to the OCY Designated Agent.

Current Rule: Page 7, Section III, part B., paragraph 4.

Foster Care and Protective Services – For children in Foster Care or Protective Services, a referral will be made by the Division of Family and Children's Services to the OCY Designated Agent, using form MDHS-OCY 43-11 or 43-11A (See Appendix D). In determining eligibility, a Foster child is considered a family of one; however, the foster parent(s) are required to meet the work requirements. In determining eligibility, a court-ordered Protective Services child should be served without regard to income. The Protective Services parent, custodian or guardian must meet the work requirement unless exempted by the Division of Family and Children's Services due to extenuating circumstances.

When a child's case is closed by the Division of Family and Children's Services, that agency will send a Notification of Termination of Child Care Services (See Appendix D) for children in protective services or foster care, to the OCY Designated Agent.

Page 9 Subsection 102.03 (1)(b) Eligibility Determination for Services

8. Proposed Rule: Transitional Child Care (TCC) parent(s) (Priority 2):

Eligibility for Transitional Child Care (TCC) child care services should be determined from information contained in the MDHS Case Manager's TCC referral. TCC parent(s) should be served regardless of the number of hours worked. If the monthly income amount is not stated on the referral, paycheck stubs may be requested from the Case Manager or from the parent(s). TCC parent(s) must complete an application and submit documentation prior to a certificate being issued. The effective date should coincide with the date listed on the referral form received from the Division of Economic Assistance. Extenuating circumstances will be handled on a case-by-case basis. Parent(s) leaving Priority 2 should be placed in the appropriate priority based upon income, family size or other determining factors.

Current Rule: Page 8, Section III, part C., paragraph 1.b.

- b. TCC Parent(s) (Priority II) - Eligibility for TCC child care services should be determined from information contained in the MDHS Case Manager's TCC referral. TCC parents should be served regardless of the number of hours worked. If the monthly income amount is not stated on the referral, paycheck stubs may be requested from the Case Manager or from the parent. TCC should begin on the "Expected Start Date" stated on the referral. Certificates should be issued immediately, and the TCC parent is to be given time to complete the application and submit check stubs, child support verification, birth certificate(s), social security numbers, and other needed documents. Parent(s) leaving Priority II should be placed in the appropriate priority based upon income, family size or other determining factors.

Page 12 Subsection 102.03 (3)(a) Documents Required for Eligibility Determination

9. Proposed Rule: Entire paragraph (6) was deleted.

Current Rule: Page 11, Section III, part C., paragraph 3.a., clause (6).

(6) If the child care application packet is not returned by the due date, a second notice should be mailed certified return receipt requested. If the mail has been returned undeliverable, the child care provider, if known, should be notified.

Page 14 Subsection 102.04 (1) Re-Determination

10. Proposed Rule: Add second notice to parent who fails to respond to first notice.

Determination of the parent's eligibility is to be re-established after the parent(s) has been receiving child care services for six months. The OCY Designated Agent will send a letter to parent(s) requesting check stubs or other verification of employment or enrollment in school and asking the parent(s) if there has been a change in marital status or household size. (See Appendix E). If the employment verification notice is not returned by the due date, a second notice should be mailed certified, return receipt requested. If the mail has been returned undeliverable, the child care provider, if known, should be notified.

Current Rule: Page 13, Section III, part D.

Determination of the parent's eligibility is to be re-established after the parent has been receiving child care services for six months. The OCY Designated Agent will send a letter to parents requesting check stubs or other verification of employment or enrollment in school and asking the parent if there has been a change in marital status or household size. (See Appendix E).

Page 22 Subsection 105.01 (8) Interruption of Child Care Services, Allowable Leave Time for Parent(s): Insert a list of the holidays.

11. Proposed Rule:

Legal Holidays are as follows:

January 1	New Year's Day
The Third Monday of January	Robert E. Lee's Birthday and Dr. Martin Luther King, Jr.'s Birthday
The Third Monday of February	Washington's Birthday
The Last Monday of April	Confederate Memorial Day
The Last Monday of May	National Memorial Day and Jefferson Davis' Birthday
July 4	Independence Day

The First Monday of September	Labor Day
The Second Monday of October	Columbus Day
November 11	Armistice or Veteran's Day
A day fixed by proclamation by the Governor of Mississippi as a day of Thanksgiving, which shall be fixed to correspond to the date proclaimed by the President of the United States	Thanksgiving Day
December 25	Christmas Day

Current Rule: None. Proposed Rule is placed in Section VI, part A., at bottom of page 20.

Page 22 Subsection 105.01 (9) Allowable Leave Time for Parent(s)

12. Proposed Rule: Adds "in writing."

A child care provider may elect not to observe Confederate Memorial Day, Columbus Day, or Armistice or Veteran's Day on the scheduled date and to use these days to extend the Thanksgiving and/or Christmas Holidays up to two days. Child care providers should notify the OCY Designated Agent in writing prior to any changes in the Holiday schedule.

Current Rule: Section VI, part A., top of page 21.

A provider may elect not to observe Confederate Memorial Day, Columbus Day, or Armistice or Veteran's Day on the scheduled date and to use these days to extend the Thanksgiving and/or Christmas Holidays up to two days. Providers should notify the OCY Designated Agent prior to any changes in the Holiday schedule.

Page 23 Subsection 105.02 (2) Reasons for Termination

13. Proposed Rule: (Add requirement to mail second notice.)

Parent(s) who fail to submit the required information for redetermination are allowed an additional five (5) days' notice before services will be terminated. A second notice should be mailed certified mail, return receipt requested.

Current Rule: Page 21, Section VI, part B., second paragraph.

Parents who fail to submit the required information for redetermination are allowed an additional five (5) days' notice before services will be terminated.

JMT:ELW:ss

NOTICE OF PROPOSED RULE ADOPTION

**STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
OFFICE FOR CHILDREN AND YOUTH**

**Mississippi Department of Human Services
Office for Children and Youth
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**Specific Legal Authority authorizing the promulgation of
Rule:** Miss. Code Sections 43-17-5 (7).
**Reference to Rules repealed, amended or suspended by
the Proposed Rule :**Amending the 2006 OCY Child Care
Policy Manual in effect for FFY 2005-2006.

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: The purposes of the Proposed Rules are to make general revisions to the OCY Child Care Policy Manual which sets forth policies and procedures for the Child Care Certificate Program administered by the Mississippi Department of Human Services, Office for Children and Youth.

This rule is proposed as a ☐ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding:

Check one box below:

☐ An oral proceeding is scheduled on this rule on Date: {Insert} Time: {Insert} Place: {Insert}

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least _____ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

☐ The agency has determined that an economic impact statement is not required for this rule, or

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: June 27, 2006 **Proposed Effective Date of Rule:** October 1, 2006

Signature: Julia M. Todd, Director, Office for Children and Youth